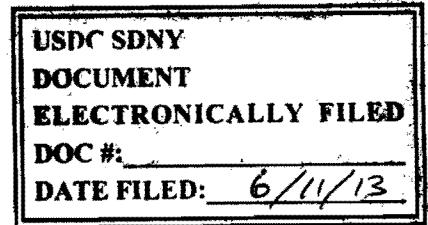


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
OLIVIER GOUREAU and OLIVIER GOUREAU, INC.,

Plaintiffs,

-v-

NOEMI GOUREAU, NICOLAS GOUREAU,  
GOOBERRY CORP., NOG INTERNATIONAL, INC.,  
and FOPPS, INC.

Defendants.  
-----X

12 Civ. 6443 (PAE)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' joint motion for an extension of time for discovery, dated June 10, 2013 (attached).

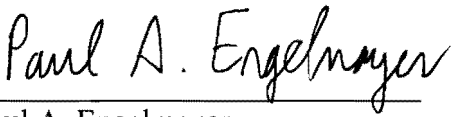
Pursuant to the amended case management plan, dated April 22, 2013, fact discovery was to close on June 10, 2013. *See* Dkt. 50. The request for an extension, then, was submitted after the close of business on the final day of discovery. In their motion, the parties state that no depositions have yet been conducted and there are pending discovery disputes that have not been brought to the Court's attention. They seek a two-month extension.

The parties' request is woefully tardy. Not only does the case management plan itself require that any request for an extension be made in writing at least two business days before the deadline, *see id.* at 5, the parties' discovery obligations dictate that *some* progress should have been made. The initial case management plan was issued on December 21, 2012. *See* Dkt. 20. That no depositions at all have been conducted—and that neither side has raised any discovery

disputes with the Court—suggests that counsel for all parties have been, at best, dilatory and unmindful of the Court's orders.

Recognizing that the parties are involved in ongoing settlement negotiations before the Hon. Debra C. Freeman, the Court grants the parties three weeks from today—until July 2, 2013—to complete discovery. Upon a showing of medical necessity, an extension will be granted for the deposition of Stephanie Goureau. No further extensions will be granted.

SO ORDERED.

  
\_\_\_\_\_  
Paul A. Engelmayer  
United States District Judge

Dated: June 11, 2013  
New York, New York

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
OLIVIER GOUREAU and OLIVIER GOUREAU,  
INC.,

Plaintiffs,

-against-

NOEMI GOUREAU, NICOLAS GOUREAU,  
STEPHANIE GOUREAU, GOOBERRY CORP.,  
NOG INTERNATIONAL, INC.  
and FOPPS, INC.,

Defendants.

Civil Action No. 12 cv 6443 (PAE)(DF)

ECF CASE

**JOINT MOTION FOR  
EXTENSION OF TIME OF  
CERTAIN DEADLINES IN  
CIVIL CASE MANAGEMENT  
PLAN**

GOOBERRY CORP.,

Third Party Plaintiff,

-against-

SACHA GOUREAU,

Third Party Defendant.

-----X  
IT IS HEREBY STIPULATED AND AGREED, AND JOINTLY REQUESTED, by and  
through the respective undersigned counsel for the parties hereto, as follows:

1. The parties are currently in settlement negotiations, supervised by Magistrate Judge  
Freeman, and, accordingly, respectfully and jointly request the Court to extend the deadlines in  
Paragraphs 5, 6(c) and (d), and 7 (a) of the Civil Case Management Plan (Dkt. No. 50).

2. Although the parties have not progressed towards a final settlement, all parties still hope to reach a settlement with the assistance of another session scheduled with Magistrate Judge Debra Freeman on June 19, 2013.

3. Currently, the parties are involved in document discovery disputes, which they hope to resolve without the Court's intervention.

4. To date, no depositions have taken place due to scheduling conflicts between a concurrently pending case in Surrogate's Court, New York County, involving Plaintiff Olivier Goureau and Defendant Noemi Goureau. Further, the parties believe that it would be a significant waste of resources to conduct depositions prior to further settlement negotiations and, if necessary, resolution of outstanding discovery disputes.

5. The current Civil Case Management Plan sets the deadlines for the close of fact discovery on June 10, 2013 and the close of expert discovery on July 25, 2013. The parties respectfully and jointly request that the Court extend the deadlines for the close of fact discovery to August 9, 2013 and the close of expert discovery to August 30, 2013. In addition, the parties have agreed to the following schedule for the resolution of disputes and depositions:

<u>Meet and confer regarding discovery disputes:</u>	no later than June 28, 2013
Letters to court regarding discovery disputes:	no later than July 10, 2013
Depositions:	July 18: Noemi Goureau July 19: Olivier Goureau August 1: Nicolas Goureau August 2: Sacha Goureau

\*Deposition dates subject to change if compelled documents not produced in sufficient time before scheduled depositions and/or by agreement of the parties

\*Due to an ongoing medical condition, the parties respectfully request that the Court permit the deposition of Stephanie Goureau to be held outside of fact discovery schedule, at the end of August, on a date to be agreed upon by the parties.

<u>Requests to Admit:</u>	Served no later than August 9, 2013
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Fact Discovery:

Close August 9, 2013, except for Stephanie  
Goureau's deposition

Expert Discovery:

Close August 30, 2013

6. This is the second request for such an extension of discovery deadlines, and the first request was granted.

7. Attached is a proposed revised Civil Case Management Plan reflecting the proposals herein.

Dated: White Plains, New York  
June 10, 2013

Respectfully submitted,

YANKWITT & MCGUIRE, LLP

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